

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Jason Dominik Hool, Javier Urena, Fredrick Spears and Osamu Ohno

SERIAL NUMBER: **To be determined**
Express Mail No: **EF057798931 US**
FILED: **To be determined**

FOR: **A DIAGNOSTIC SAMPLE TUBE
INCLUDING ANTI-ROTATION
APPARATUS**

PATENT

ART UNIT NO.: **To be determined**

EXAMINER: **To be determined**

ATTORNEY DOCKET NO.:
HITA1787

San Jose, California
May 2, 2001

I hereby certify that this Combined Declaration and Power of Attorney and those documents referred to as attached hereto are being deposited with the United States Postal Service on this date May 5, 2001 in an Express Mail envelope, "Post Office to Addressee," Express Mailing Label Number EF057798931 US, addressed to the Box Patent Application, Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231

MARTHA N GRIFFIN

Typed or printed name of person mailing paper or fee

Martha N Griffin

Signature of person mailing paper

**COMBINED DECLARATION AND
POWER OF ATTORNEY**

Assistant Commissioner of Patent and Trademarks
Box Patent Application
Washington, DC 20231

Dear Sir:

As the below named inventors, we hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

X original

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May 2, 2001

design
 supplemental
 national stage of PCT
 divisional
 continuation
 continuation-in-part

INVENTORSHIP IDENTIFICATION

Our residence, post office address and citizenship are as stated below next to our names. We believe we are the original inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A DIAGNOSTIC SAMPLE TUBE INCLUDING ANTI-ROTATION APPARATUS

SPECIFICATION IDENTIFICATION

the specification of which:

(a) XX is attached hereto.
(b) was filed on _____ as Serial No.: _____
Or Express Mail No.: _____ as Serial No. not yet known
and was amended on _____
(c) was described and claimed in PCT International Application No.
_____ filed on _____ and as amended under PCT Article 19 on _____.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS
AND DUTY OF CANDOR**

We hereby state that we have reviewed and understood the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information

Which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56
 and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

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 In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(d) X no such applications have been filed.
(e) such applications have been filed as follows.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

We hereby claim the benefit under Title 34, United States Code, § 120 of any United States applications or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to the examination of this

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application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:**

U.S. APPLICATIONS	Status (Check One)			
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned

**USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED
U.S./PCT APPLICATIONS**

Above Application No. Details of Foreign Application From Which Priority Claimed Under 35 USC 119

Not Applicable

POWER OF ATTORNEY

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**DOUGLAS A. CHAIKIN, ESQ.
PENINSULA IP GROUP
2290 North First Street, Suite 101
San Jose, California 95131
Reg. No. 29,140
(408) 965-4001**

May 2, 2001

— Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

**Douglas A. Chaikin, Esq.
PENINSULA IP GROUP**

**Douglas A. Chaikin, Esq.
(408) 965-4001**

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May 2, 2001

2290 North First Street, Suite 101
San Jose, California 95131
Reg. No. 29,140

DECLARATION

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Full name of inventor: Jason Dominik Hool

Inventor's signature Jason D. Hool

Date 2 MAY 2001 Country of Citizenship MEXICO/USA

Residence: 15747 ROMANY DRIVE, PACIFIC PALISADES, CA 90272 =USA=

Full name of inventor: Javier Urena

Inventor's signature Javier Urena

Date 5/2/01 Country of Citizenship USA

Residence: 1124 Vine St, San Jose, CA, 95110

Full name of inventor: Fredrick Spears

Inventor's signature Fredrick Spears

Date MAY 2, 2001 Country of Citizenship U.S.A.

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Residence: 1124 VINE STREET, SAN JOSE, CA 95110, USA.

Full name of inventor: Osamu Ohno

Inventor's signature Osamu Ohno

Date 2 MAY 2001 Country of Citizenship Japan

Residence: 1910 Miramonte Ave. Mountain View CA USA.

Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

* * * Number of pages added

Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

* * * Number of pages added

Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

* * * Number of pages added

Authorization of attorney(s) to accept and follow instructions from representative.

* * *

X This Declaration ends with this page.